

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

Adv. Pro. No. 08-01789 (SMB)

SIPA Liquidation

(Substantively Consolidated)

**DECLARATION OF STEPHANIE ACKERMAN IN SUPPORT OF TRUSTEE'S
MOTION AND MEMORANDUM OF LAW TO AFFIRM HIS DETERMINATIONS
DENYING CLAIMS OF CLAIMANTS HOLDING INTERESTS IN JUDY L. KAUFMAN
ET AL. TENANCY IN COMMON, RICHARD B. FELDER AND DEBORAH FELDER
TENANCY IN COMMON, AND KEITH SCHAFFER, JEFFREY SCHAFFER,
CARLA R. HIRSCHHORN TENANCY IN COMMON**

I, Stephanie Ackerman, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am an associate with Baker & Hostetler LLP, counsel to Irving H. Picard, trustee ("Trustee") for the substantively consolidated liquidation of Bernard L. Madoff Investment Securities LLC ("BLMIS") under the Securities Investor Protection Act, 15 U.S.C. § 78aaa et seq. ("SIPA"), and for Bernard L. Madoff.

2. I am fully familiar with this case and the facts set forth herein.

3. For purposes of the Trustee's Motion and Memorandum to Affirm His Determinations Denying Claims of Claimants Holding Interests in Judy L. Kaufman et al.

Tenancy In Common, Richard B. Felder and Deborah Felder Tenancy In Common, and Keith Schaffer, Jeffrey Schaffer, Carla R. Hirschhorn Tenancy In Common (the “Motion”), the Trustee selected three BLMIS accounts: 1CM100 held by Judy L. Kaufman et al. Tenants In Common (the “Kaufman Tenancy In Common”), 1ZA249 held by Richard B. Felder and Deborah Felder Tenants In Common (the “Felder Tenancy In Common”), and 1ZA339 held by Keith Schaffer, Jeffrey Schaffer, Carla R. Hirschhorn Tenants In Common (the “Schaffer and Hirschhorn Tenancy In Common”) (collectively, the “Tenancies In Common”).

4. A list of objecting claimants associated with one or more of the Tenancies in Common whose claims are addressed in the Motion is annexed as Exhibit 2 (the “Objecting Claimants”) to the Declaration of Vineet Sehgal filed in support of the Motion (the “Sehgal Declaration”). The Motion addresses all outstanding docketed objections that have been filed to date by Objecting Claimants associated with one or more of the Tenancies in Common, details of which objections are contained in Exhibits 2 and 3 to the Sehgal Declaration.

5. I supervised service of discovery, including Requests for Admissions, by the Trustee on the Objecting Claimants listed in Exhibit 2 to the Sehgal Declaration. I also personally reviewed and caused to be entered into our system each response to Requests for Admissions or to Interrogatories that were received by our office. All but two of the Objecting Claimants failed to respond.

6. During the course of my work on this matter, and to properly prepare and serve discovery, I personally reviewed hundreds of documents, including the claims filed by the Objecting Claimants, the respective notices of determination of claims issued by the Trustee, and the respective objections to the Trustee’s notices of determination of claims filed by the

Objecting Claimants, in addition to reviewing the Tenancy in Common account files as contained in the books and records of BLMIS.

7. The Objection to Determination filed on behalf of Objecting Claimants Keith Schaffer, Jeffrey Schaffer, and Carla Hirschhorn individually (the “Schaffer and Hirschhorn Objecting Claimants”) was filed by Helen Chaitman of Becker & Poliakoff LLP on November 17, 2010. To clarify attorney representation issues, on September 19, 2013, we requested that Ms. Chaitman provide the Trustee with verification as to which Objecting Claimants Becker & Poliakoff LLP represents. She did so on October 4, 2013 and December 2, 2013, and stated that she did not represent Mr. Jeffrey Schaffer, Mr. Keith Schaffer, and Ms. Carla Hirschhorn in connection with the Trustee’s discovery requests. As such, I caused discovery requests to be served on Mr. Jeffrey Schaffer, Mr. Keith Schaffer, and Ms. Carla Hirschhorn in a *pro se* capacity on September 19, 2014.

8. The Objection to Determination filed on behalf of the Objecting Claimants associated with the Felder Tenancy In Common (the “Felder Objecting Claimants”) was filed by Jeffrey D. Felder, Esq.

9. The Objecting Claimants associated with the Kaufman Tenancy In Common (the “Kaufman Objecting Claimants”) filed *pro se* Objections to Determination.

Service of Requests for Admissions and Other Discovery

10. I caused discovery to be served on all of the Objecting Claimants through counsel or in a *pro se* capacity using contact details from the claims, objections to the Trustee’s notices of determination of claims, or the debtor’s books and records, all as provided by the Trustee’s claims agent, AlixPartners LLP. Each of the Trustee’s discovery requests contained a certificate of service setting out how and when service was made.

11. Attached hereto as Exhibit 1 is a true and correct copy of the complete discovery served on Jeffrey Felder, Esq. on behalf of him, Jonathan Felder, and the Robert and Deborah Felder Foundation, with cover letter and certificate of service.

12. Attached hereto as Exhibit 2 is a true and correct copy of the complete discovery served on Keith Schaffer, with cover letter and certificate of service.

13. Attached hereto as Exhibit 3 is a true and correct copy of the complete discovery served on Jeffrey Schaffer, with cover letter and certificate of service.

14. Attached hereto as Exhibit 4 is a true and correct copy of the complete discovery served on Carla Hirschhorn, with cover letter and certificate of service.

Responses To Interrogatories and Requests for Admissions

15. Attached hereto as Exhibit 5 is a true and correct copy of the Robert and Rebecca Epstein Living Trust responses to the Requests for Admissions and Requests for Interrogatories served by the Trustee it in a *pro se* capacity. Also attached are true and correct copies of the cover letter, Requests for Admissions, Requests for Interrogatories, Request for Production, and the Trustee's certificate of service as served.

16. Attached hereto as Exhibit 5 is a true and correct copy of Daniel C. Epstein's responses to the Requests for Admissions and Requests for Interrogatories served by the Trustee on him in a *pro se* capacity. Also attached are true and correct copies of the cover letter, Requests for Admissions, Requests for Interrogatories, Request for Production, and the Trustee's certificate of service as served.

Documents Produced

17. Attached hereto as Exhibit 7 are true and correct copies of the documents produced to the Trustee in response to the Trustee's Request for Production to the Robert and Rebecca Epstein Living Trust.

18. Attached hereto as Exhibit 8 are true and correct copies of the documents produced to the Trustee in response to the Trustee's Request for Production to Daniel C. Epstein.

Objecting Claimants Who Failed To Respond To Requests For Admissions

19. All Objecting Claimants received eight (8) substantively identical Requests for Admissions in their discovery packages.

20. The Felder Objecting Claimants received an additional seven (7) Requests for Admissions and the Kaufman Objecting Claimants received an additional five (5) Requests for Admissions in their discovery packages that were not included in the Schaffer and Hirschhorn discovery packages.

21. The Schaffer and Hirschhorn Objecting Claimants did not respond to the Trustee's discovery requests.

22. The Felder Objecting Claimants did not respond to the Trustee's discovery requests.

23. Exhibits 1-6 each contain the cover letter, Requests for Admissions, Interrogatories, Requests for Production, and Certificate of Service as mailed to the Objecting Claimants.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true
and correct.

Executed on January 13, 2017
New York, New York

/s/ Stephanie Ackerman
Stephanie Ackerman
Baker & Hostetler LLP
45 Rockefeller Plaza
New York, New York 10111